Regd. No. M.—1175.

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# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 5

BANGALORE, THURSDAY, FEBRUARY 1, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. T.* 2144—*R. T.* 38-39-10, *dated Bangalore, the 27th January* 1940.

In exercise of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that two check gates be opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily, for a period of three months and that these check gates and the Karlahalli toll-gate be treated as one toll-gate, the payment of toll at one toll-gate exempting vehicles, etc., from payment of the same at the other.

*No. P.* 5018—*Legis.* 19-39-12, *dated Bangalore, the* 26*th January* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following order, namely :—

1. *Short Title.*—This order may be called the Enemy Property (Custody and Registration) Order, 1939.

2. *Definitions.*—In this order unless there is something repugnant in the subject or context—

(i) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules as applied to Mysore and includes any Deputy or Assistant Custodian of enemy property authorised by the said custodian in respect of all or any of the provisions of this order;

(ii) the expressions "enemy subject," "enemy firm," "enemy property" and "securities" shall have the meanings, respectively assigned to them by rule 103 of the Defence of India Rules as applied to Mysore;

(iii) "enemy" means an enemy subject or enemy firm;

(iv) "form" means a form appended to this order;

(v) "person" includes any company or association or body of individuals whether incorporated or not.

3. *Payment to Custodian of money otherwise payable to an enemy.*—Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an enemy, shall be paid by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this order.

4. (1) *Powers of custodian in respect of enemy property vesting in him.*—Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the property of an enemy is vested in the Custodian, the Custodian may take such measures as he considers necessary or expedient for preserving the property.

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purpose,—

(i) carry on the business of the enemy,

(ii) take action for recovering any money due to the enemy,

(iii) make any contracts, and execute any documents in the name and on behalf of the enemy,

(iv) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

(v) transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property.

5. *Exemption from attachment, etc.*—All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree.

6. (1) *Transfer of Securities belonging to an enemy.*—Where in exercise of the powers conferred by paragraph 4 of this order, the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a company, the company shall, on receipt of the transfer and an order in this behalf from the Custodian, register the securities in the name of the transferee, notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred:

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and to any other lien or charge of which the Custodian gives express notice to the company.

7. *Power of Custodian to summon persons and call for documents.*—(1) A Custodian may, by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

8. *Returns relating to enemy property.*—(1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such balances or deposits in Form A.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within two months from the date of this order, communicate to the Custodian in Form B full particulars of all securities of the company which belong to an enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months from the date of this order, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months from the date of this order, or if such money becomes payable after the expiry of that period, within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form D.

(5) Every person other than bank residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such debts in Form E.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any enemy property not covered by the preceding sub-paragraphs shall, within two months from the date of this order, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

In the case of property of enemy subjects, other than internees, residing in India the above particulars may be confined to bank balances and deposits, dividends and similar payments, securities and immovable property belonging to the aforesaid class of enemy subjects.

(7) Where a return of enemy property has been made to the Custodian in Form F or Form G, particulars of any income derived from such property during each quarter after the expiry of two months from the date of this order shall be communicated to the Custodian in Form H within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9. *Responsibility for making returns on behalf of companies and firms—Registers of returns.*—Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8.

10. (1) All returns relating to enemy property submitted to the Custodian in pursuance of paragraph 8

shall be recorded in such registers as may be prescribed by the Custodian.

(2) All such registers shall be open to inspection, subject to the payment of a fee of rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian, is interested in any particular enemy property as a creditor or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a ee of rupee one per page or part of a page.

By Order,

C. SUBRAHMANYA AIYAR,

*Secretary to Government,*

*Law Department.*

## APPENDIX.

### FORM A.

To

The Custodian of Enemy Property,

Ref. No. A.....

From.....

..... ..... ..... (Address).....

(Date)..... .....

*Return showing particulars of balances or deposits standing to the credit of an enemy.*

N.B.—Where not known, the contents of sealed boxes, packages, etc., deposited need not be ascertained.

| Name of enemy | Address | Balances | Cash deposits | Description and estimated value (if known) of dedosits other than cash deposits |
|---|---|---|---|---|
| | | | | £ s. d.<br>Rs. a. p.<br>Total £ / Rs. |

## FORM B.

To

The Custodian of Enemy Property,

.....

Ref. No. B.....

From.....

(Address).....

(Date).....

*Return showing particulars of all securities of a company belonging to an enemy.*

| Name of enemy | Address | Description of securities | Value |
|---|---|---|---|
| | | | £ s. d.<br>Rs. a. p. |

FORM C.

To

The Custodian of Enemy Property,

.....

Ref. No. C.....

From.....

.....

(Address).....

(Date).....

*Return showing particulars as to any share of profits and interest due to an enemy.*

| Name of enemy | Address | Where a company makes the return | | | | Where a partner makes the return | | |
|---|---|---|---|---|---|---|---|---|
| | | Description of shares, stock, debentures or debentures stock held by an enemy | Nominal value of each holding | £ s. d. / Rs. a. p. | Enemy capital £ s. d. / Rs. a. p. | Interest or share or profits due to an enemy £ s. d. / Rs. a. p. | Period covered by interest or share of profits |
| | | | | | | | |

## FORM D.

To

The Custodian of Enemy Property,

.....

Ref. No, D..... .....

From.....

(Address)..... .....

(Date).....

*Return showing particulars of any money which would have been payable or paid to or for the benefit of enemy by way of dividend, interest or share of profits.*

| Name of enemy | Address | Description | Value |
|---|---|---|---|
| | | | £ s. p.<br>Rs. a. p. |
| | | | |

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FORM E.

To

The Custodian of Enemy Property,

Ref. No. E.....

From.....,

(Address).....

(Date).....

*Return showing particulars of Debts due to an enemy.*

| Name of enemy | Address | Description of property (each item to be stated separately) | | |
|---|---|---|---|---|
| | | Nature of debt | Amount | |
| | | | £ s. d. / Rs. a. p. | |
| | | | | |

## FORM F.

To

The Custodian of Enemy Property,

.....

Ref. No. F.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....

*Return showing particulars of enemy property in possession not already recorded with the Custodian.*

*N.B.*—This form should be used in respect of enemy property held in safe custody.

| Full name of person for whom held (surname first) | Full address of person, for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received therefrom | Full description of any movable property held in respect of which income has been received | Amount of income received therefrom |
| | | | £ s. d.<br>Rs. a. p. | Total £ —<br>Rs. | £ s. d.<br>Rs. a. p. |

# FORM G.

To

The Custodian of Enemy Property,

Ref. No. G..... .....

From..... ..... .....

..... (Address)..... .....

..... .....

*N.B.*- This form should be used in respect of property held otherwise than in safe custody.

| Full name of person for whom held (surname first) | Full address of person for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received therefrom | Full description of any movable property held in respect of which income has been received | Amount of income received therefrom |
| | | | £ s. d.<br>Rs. a. p.<br><br>Total £ —<br>Rs. | | £ s. d.<br>Rs. a. p. |

# FORM H.

## QUARTERLY RETURN OF INCOME.

To

The Custodian of Enemy Property,

.....

Ref. No. H.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....
(Date).....

*Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.*

*N.B.*—(1) If no income has been received since date of previous return, the fact should be recorded and the form returned to the Custodian.

(2) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

| Full name of person for whom held (surname first) | Full address of person for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received since date of last return | Full description of any movable property held in respect of which income has been received | Amount of income received since date of last return |
| | | | £ s. d.<br>Rs. a. p. | Total £<br>Rs. | £ s. d.<br>Rs. a. p. |

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION. 28

*Order No. P.* 5331—*Legis.* 39-39-1, *dated Bangalore, 6th February* 1940.

Ordered that the accompanying Coffee Husk Control Act which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. II of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. II OF 1940.

## The Mysore Coffee Husk Control Act, 1940.

(*Received the assent of His Highness the Maharaja, on the* 30*th day of January* 1940.)

Whereas it is expedient to prohibit or restrict the import and export of coffee husk to and from Mysore and to provide for the control of the transport and sale of coffee husk within Mysore; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Mysore Coffee Husk Control Act, 1940.

(*2*) It extends to the whole of Mysore.

(*3*) It shall come into force from such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Prohibition of import or export of coffee husk.

2. No coffee husk shall be imported into or exported from Mysore except with the permission of the Government.

Prohibition of transport of coffee husk.

3. The Government may from time to time, by notification, prohibit the transport of coffee husk from one local area to any other local area.

Prohibition of sale, etc., of coffee husk.

4. No coffee husk shall be sold or otherwise disposed of, except with the permission of the Government and subject to such conditions as it thinks fit to impose.

Penalty for contravention.

5. (*1*) Whoever, in contravention of this Act or of any rules or order made under this Act or of any licence or permit obtained under this Act, imports, exports, transports or sells or otherwise disposes of any coffee husk shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees.

(*2*) Notwithstanding anything contained in the second schedule of the Code of Criminal Procedure, 1904, an offence under this Act shall be a cognisable offence as defined under the Code.

Power to make rules.

6. (*1*) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-3.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION. 30

*Order No.* 5332—*Legis.* 40-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. III of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. III OF 1940.

## The Mysore Legal Practitioners' (Amendment) Act, 1940.

*(Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

(1) This Act may be called the Mysore Legal Practitioners (amendment) Act, 1940.

Amendment of section 3 of Act III of 1884.

(2) For the definition of "tout" in section 3 of the Mysore Legal Practitioners Act, 1881 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :—

"Tout" means a person—

(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or revenue offices or railway stations, landing stages, lodging places or other places of public resort.

Amendment of section 26 of Act III of 1884.

(3) In section 26 of the said Act,

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

*Explanation.*—"The passing of a resolution declaring any person to be or not to be a tout by a majority not less than two-thirds of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section";

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority : Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-3.**

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## NOTIFICATION.

*Order No. P.* 5334—*Legis.* 42-39-1, *dated Bangalore the 6th February* 1940.

Ordered that the accompanying Act to provide for the Registration of Foreigners in Mysore which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act V of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. V OF 1940.

### The Registration of Foreigners Act, 1940.

### An Act to provide for the Registration of Foreigners in Mysore.

(*Received the assent of His Highness the Maharaja, on the* 30*th day of January* 1940).

WHEREAS it is necessary to provide for the registration of foreigners entering, being present in, and departing from, Mysore ;

It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Registration of Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act—

(*a*) the word "foreigner" shall denote a person who is not—

(i) a subject of His Highness the Maharaja ; or

(ii) a British subject domiciled in the United Kingdom ; or

(iii) a British Indian subject ; or

(iv) a ruler or subject of an Indian State ; or

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(v) a person duly appointed by a foreign government to exercise diplomatic functions; or

(vi) a consul or a vice-consul;

(*b*) "prescribed" means prescribed by rules made under this Act.

Power to make rules.

3. The Government may, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

(*a*) for requiring any foreigner entering, or being present in, Mysore to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*b*) for requiring any foreigner moving from one place to another place in Mysore to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*c*) for requiring any foreigner who is about to leave Mysore to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

(*d*) for requiring any foreigner entering, being present in, or departing from, Mysore to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

(*e*) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*f*) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, Mysore in such vessel or aircraft, and to furnish to such authority such assistance as

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may be necessary or prescribed for giving effect to this Act;

(g) for providing for such other incidental or supplementary matters as may appear to the Government necessary or expedient for giving effect to this Act.

Burden of proof.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Penalties.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

Power to exempt from application of Act.

6. The Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner.

Protection to persons acting under this Act.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application of other laws not barred.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Saving.

9. Any rules made, anything done and any action taken in exercise of any power conferred by or under the Registration of Foreigners (Emergency) Act, 1939 (Act No. IX of 1939), shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 30th day of June 1939.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-6.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION.

*Order No. P.* 5470—*Legis.* 43-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for the grading and marking of agricultural produce which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VI OF 1940.

# THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1940.

**An Act to provide for the grading and marking of agricultural produce.**

(*Received the assent of His Highness the Maharaja on the first day of February 1940.*)

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title and extent.

1. (*i*) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1940.

(*ii*) It extends to the whole of Mysore.

Definitions.

2. In this Act unless the contrary appears from the subject or context:—

(*a*) "agricultural produce" means any produce of agriculture or horticulture and includes all produce animals and their hides, skins and wool, and any article of food or drink, wholly or partially manufactured from

agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act.

(*b*) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code, as in force in Mysore;

(*c*) "covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(*d*) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(*e*) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(*f*) "quality" in relation to any article includes the state and condition of the article;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled article" means an article included in the Schedule; and

(*i*) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designation.

3. The Government may, after previous publication by notification in the official Gazette, make rules—

(*a*) fixing grade designations to indicate the quality of any scheduled article;

(*b*) defining the quality indicated by every grade designation;

(*c*) specifying grade designation marks to represent particular grade designations;

(*d*) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(*e*) specifying the conditions referred to in clause (*d*) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(*f*) providing for the payment of any expenses incurred in connection with the manufacture or use of

## NOTIFICATION. 37

*Order No. P. 5471—Legis. 44-39-1, dated Bangalore, the 10th February* 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VII OF 1940.

### The Mysore City Municipalities (amendment) Act, 1940.

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

1. This Act may be called the Mysore City Municipalities (amendment) Act, 1940. Short title.

2. For section 90 of the Mysore City Municipalities Act, 1933, the following section shall be substituted, namely:— Substitution of new section for section 90, Act VII of 1933

"90. (1) Any person,— Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles

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so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3.**

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## NOTIFICATION.

*Order No. P. 5472—Legis. 44-39-2, dated Bangalore, the 10th February 1940.*

Ordered that the accompanying Act further to amend the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VIII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VIII OF 1940.

### The Mysore Town Municipalities (amendment) Act, 1940.

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Town Municipalities (amendment) Act, 1940.

Substitution of new section for section 85, Act VIII of 1933.

2. For section 85 of the Mysore Town Municipalities Act, 1933, the following section shall be substituted, namely :—

"85. (i) Any person—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles

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so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3**

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## NOTIFICATION.

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*No. P. 5678—Legis. 47-39-1, dated Bangalore, the 14th February* 1940.

Ordered that the accompanying Act further to amend the Code of Criminal Procedure, 1904, which received the assent of His Highness the Maharaja of Mysore, on the 1st day of February 1940 be published as Act XI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT XI OF 1940.

## The Code of Criminal Procedure (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the 1st day of February* 1940.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Short title.

*1.* This Act may be called the Code of Criminal Procedure (amendment) Act, 1940.

Amendment of section 4, Act II of 1940.

*2.* For the definition of "European British Subject" in section 4 (1) (l) of the Code of Criminal Procedure, 1904 (hereinafter referred to as the Code), the following shall be substituted, namely—

"(l) "European British Subject" means—

(*a*) any subject of His Majesty the King-Emperor of European descent in the male line born, naturalised or domiciled in any part of His Majesty the King-Emperor's Dominions exclusive of British India and of British Burma, or

(*b*) any subject of His Majesty the King-Emperor who is the child or grandchild of any such person by legitimate descent:"

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Amendment of section 130, Act II of 1904

*3.* In sub-section (1) of section 130 of the Code, after the words "the Maharaja" the following words shall be inserted, namely—

"or in the Kolar Gold Fields Battalion of the Auxiliary Force (India)."

Amendment of section 131, Act II of 1904

*4.* In section 131 of the Code, after the words "the Maharaja" the following words shall be inserted, namely—

"or of any local unit of the Auxiliary Force (India) referred to in sub-section (1) of section 130."

MIRZA M. ISMAIL,
*Dewan.*

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